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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,336	01/24/2002	Joseph E. Rock	1727 SPRI	3158

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,336	ROCK ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,144,388 to Bornstein (hereinafter Bornstein).

Referring to claims 1 and 19, Bornstein teaches computer readable medium and a method in a computing environment for configuring images for display, the method comprising:

receiving a selection of a first component image, said first component image depicting a first component (i.e. picture of a person; col. 2, lines 53-55 and Fig. 1),

receiving a selection of a second component image, said second component image depicting a second component (i.e. picture of glasses; col. 4, lines 12-14 and Fig. 2A);

positioning, on a coordinate system (i.e. col. 3, lines 15-20), said first image and said second image; and creating a configured image (i.e. Fig. 2B), said configured image including said first component and said second component. See col. 2, line 46 – col. 3, line 20.

Referring to claims 8, 10-11, 14, and 16-17, Bornstein teaches a computer readable medium, computer system with a processor, memory, and an operating environment, and a method in a computing environment for configuring product images for display, the method comprising:

receiving a selection of a configured product image (i.e. picture of a person wearing glasses; i.e. col. 1, lines 10-36);

consulting a first data table to determine which of a variety of component images comprise said configured product image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Bornstein teaches consulting a second data table to determine the coordinates on an (X,Y) axis of each component image that comprises the configured product image. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Bornstein discloses displaying the configured product image by placing each component image at its corresponding coordinates on said (X,Y) axis. See Fig. 2B and col. 2, line 46 – col. 3, line 20. Also, see Fig. 9B.

Referring to claim 12, Bornstein teaches a computer system for displaying a configured graphical image, the computer system comprising:

a configuration component which determines which of a plurality of component images comprise the configured image (i.e. col. 5, lines 11-39 and col. 18, lines 1-17);

coordinate component which determines the positioning of said component images on a coordinate system, said positioning being defined by (X,Y) coordinates (i.e. col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30);

and a displaying component which positions said component images on an (X,Y) axis based upon the determined (X,Y) coordinates and displays the resulting configured graphical image. See Fig. 2B and col. 2, line 46 – col. 3, line 20.

Referring to claims 2 and 20, said coordinate system of Bornstein is based upon an (X,Y) axis. See col. 3, line 16.

Referring to claim 3 and 21, said second image is overlaid on said first image in Bornstein. See Fig. 2B and col. 17, lines 5-17.

Referring to claims 4, 9, 13, 15, and 22, the first and second component images are photographs in Bornstein. See Fig. 4, 120, which shows that the input images may come from a digital camera.

Referring to claims 5 and 23, Bornstein teaches consulting a coordinate table to determine the coordinates of said first and second images. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Referring to claims 6 and 24, Bornstein teaches consulting an image table to determine the component images necessary to make-up said configured image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Referring to claim 7, Bornstein teaches a computer system having a processor (Fig. 3, 802), a memory (i.e. Fig. 3, 806) and an operating environment, the computer system operable to perform the steps recited in claim 1.

Referring to claim 18, Bornstein teaches a computer readable medium containing a data structure for storing location (i.e. coordinate) information on one or more component images of a configured product, wherein said data structure comprises:

an implementer table, said table containing entries indicative of the component images that make up the configured product (i.e. col. 5, lines 11-39 and col. 18, lines 1-17); and

a coordinate table, said coordinate table containing entries indicative of the (X,Y) coordinates for said component images, the coordinates specifying the positioning of the component images necessary to correctly make up the configured product. See col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Response to Arguments

Applicant's arguments filed on 01/03/05 have been fully considered but they are not persuasive.

On pages 10 and 11 of the remarks; applicant argues that Bornstein does not teach or suggest "first component images depicting a first component based on said selection of said first component image"; however, the limitations as claimed set forth to rely on "placing a first set of instructions onto a server of a computer network, the first set of instructions including instructions for: (a) retrieving the two-dimensional image of the person from a database; (b) obtaining user's picture three-dimensional clothing parameters associated with the person, the user's picture three-dimensional clothing parameters specifies at least the location of a generic article of clothing on the image of the person; (c) manipulating using at least one of the server and the client computer the three-dimensional model of the selected article of clothing according to the user's picture three-dimensional clothing parameters such that the selected article of clothing is positioned at the location on the image of the person; (d) converting the three-dimensional model of the selected article of clothing into a two-dimensional image; and (e) assembling the two-dimensional image of the selected article of clothing on the image of the person and thereby generating a two-dimensional image of the article of clothing on the image of the person; and (2) providing a second set of instructions to the server to the server, the

second set of instructions to the server being configured to permit the first set of instructions to be transmitted to the user of the computer network, wherein the transmitted first set of instructions are configured to be executed at a computer terminal to generate by the user the two-dimensional image of the article of clothing on the image of the person." See Bornstein col. 10, lines 28-67.

On pages 10 and 11 of the remarks; applicant argues that Bornstein does not teach or suggest "select one of the plurality of component images"; however, the limitations as claimed set forth to rely on "In one embodiment, step is carried out manually by an operator, who moves the three-dimensional model of the generic article of clothing in the X-Y directions, rotates, scales, and/or warps the three-dimensional model of the generic article of clothing, as described above, relative to a specific user's picture. The visualization application, which allow the operator to manually adjust the three-dimensional model of the generic article of clothing on a specific user's picture may be written in any language, such as C++, Visual Basic, Java, etc., that is well known to those skilled in the art, with the use of a commercially available three-dimensional library such as, Java 3D API, which is commercially available from Sun Microsystems of Palo Alto, Calif. and InWorldVR, which is commercially available from SpaceCrafter of Sausalito, Calif. After the operator has concluded manipulating the three-dimensional model of the generic article of clothing, as described above, the appropriate user's picture three-dimensional clothing parameters, which are associated with the specific user's picture, may be stored in the user's picture database. In system 104 of FIG. 4, Java.TM. applet, for example, or a plug-in that uses 3D API mentioned above within the web browser in stand-alone client 108 allows the operator to move the three-dimensional model of the generic

article of clothing in the X and Y directions, rotate, scale and warp the generic article of clothing on the user's picture. As a result of this manipulation, the operator arrives at the appropriate user's picture three-dimensional clothing parameters, which are then stored in Web server 112 at user's picture database 116. In system 118 of FIG. 5, a program written in VC++ or VB that uses 3D API mentioned above in stand-alone computer 124 allows the operator to move the three-dimensional model of the generic article of clothing in the X and Y directions, rotate, scale and warp the generic article of clothing on the user's picture. The user's picture three-dimensional clothing parameters are then stored in the hard drive of stand-alone computer 124 at user's picture database. (see col. 20, lines 11-47).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach methods of converging two images based on coordinate systems to form a composite image, such as displaying accessories for a vehicle along with the vehicle, for example.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

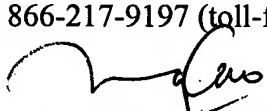
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

05/10/05